

U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 17, 2008

VIA FACSIMILE

Hon. Denny Chin
United States District Judge
United States Courthouse
500 Pearl Street, Room 1020
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/24/08

Re: Iqbal v. Ganter,
08 Civ. 997 (DC)

Dear Judge Chin:

I write respectfully to request a nunc pro tunc sixty-day extension of time, from April 4 to June 3, to respond to the complaint in the above-referenced civil action. This is the Government's first request for an extension.

This is a mandamus action in which plaintiff seeks an order compelling Citizenship and Immigration Services ("CIS") to adjudicate his application for adjustment of status. Since the filing of the complaint, this office was informed by CIS that it issued plaintiff a "Notice of Intent to Deny" the application. The notice also permits plaintiff to submit additional evidence in support of his application within thirty days from the date of the notice. A copy of the notice from CIS, dated March 17, 2008, is attached.

In light of the fact that CIS has made an initial determination on plaintiff's application and is waiting for plaintiff to provide additional evidence, if any, we request a sixty-day extension of time to adjudicate plaintiff's adjustment application, which would render this case moot. I apologize for the delay in seeking this extension and regret any inconvenience to the Court. Plaintiff's counsel consents to this request.

I thank the Court for its consideration of this request.

*Approved.
so ordered.
JRC
wps
4/23/08*

Respectfully,

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York

By:

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cc: Nadi Ganesan Viswanathan, Esq. (via facsimile)